

United States Magistrate Court
CDS-SDTX
FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

NOV 01 2022 3C

Nathan Ochsner, Clerk
Laredo Division

UNITED STATES OF AMERICA

v.

RIGOBERTO ESCOBEDO

AKA: RIGOBERTO JAVIER ESCOBEDO

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CRIMINAL NO. 5:22-cr-1121

FACTUAL STATEMENT IN SUPPORT OF PLEA AGREEMENT

The United States of America, by and through Jennifer B. Lowery, United States Attorney for the Southern District of Texas and Jose Homero Ramirez, Assistant United States Attorney, and the defendant, **RIGOBERTO ESCOBEDO**, and the defendant's counsel, hereby stipulate as follows:

I.

If this case proceeded to trial, the United States of America would prove each element of the offense beyond a reasonable doubt. The following facts, among others, would be offered to establish the Defendant's guilt:

II.

Count 4 of the Indictment

Possess with intent to distribute 40 grams and more of mixture and substance containing a detectable amount of Fentanyl (**Sale of 59.802 grams of Fentanyl pills to undercover DEA Agent on April 29, 2022**)

Between April 19, 2022, and April 29, 2022, Rigoberto Escobedo (Escobedo), via WhatsApp communications offered to sell an undercover agent (UC) 700 fentanyl pills at \$6.00 USD each, for a total price of \$4,200 USD cash, and on April 29, 2022, at 1:00 p.m., agreed on a

meeting place for the sale at a Walmart Supercenter parking lot on Bob Bullock Loop, in Laredo, Texas. At 11:50 a.m. **Escobedo** texted the UC that he was on his way, and at 1:48 p.m. **Escobedo** texted that he was nearby. At 2:15 p.m., **Escobedo** entered the Walmart parking lot driving a white Nissan Armada. After several text messages between themselves to coordinate where they were, **Escobedo** parked next to the UC vehicle. The UC exited his vehicle, greeted **Escobedo**, and **Escobedo** gave the UC a plastic bag containing what was believed to be 700 blue Fentanyl pills. The UC gave **Escobedo** \$4,200 USD in cash. **Escobedo** offered to provide more Fentanyl, with one week's notice, or even less notice, and could provide Fentanyl pills at \$5.00 USD per pill if purchased in 1,000-quantity pills or more. **Escobedo** took the \$4,200 USD and both went their separate ways.

At the DEA warehouse, agents discovered that instead of 700 pills in the package, there were approximately 590 Fentanyl pills packed within 6 smaller individual plastic bags. The UC texted and sent voice messages to **Escobedo** to let him know that there were less than 700 pills in the package, but **Escobedo**'s phone was turned off.

On May 2, 2022, **Escobedo** responded and apologized for delivering only 600 Fentanyl pills. **Escobedo** stated that he would provide the balance missing next time they met. The UC agreed.

The package of pills purchased were examined by the Department of Justice, Drug Enforcement Administration, South Central Laboratory in Dallas, Texas on or after May 18, 2022. The bag was determined to contain 587 tablets in a Ziploc plastic bag. All tablets were weighed which resulted in a net weight of **59.802 +/− 0.003** grams. The report reads "Fentanyl confirmed in 9 units tested of 587 units received indicating, to at least a 95% level of confidence, that at least 70% of the units in the population contain the substance(s)."

III.

Defendant, **RIGOBERTO ESCOBEDO**, hereby confesses and judicially admits that on **August 18, 2022**, he knowingly possessed with intent to distribute 40 grams or more of a mixture and substance containing a detectable amount of Fentanyl, in violation of Title **21**, United States Code, Section **21 USC 841(a)(1) & 841(b)(1)(B)**.

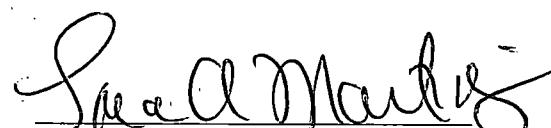

RIGOBERTO ESCOBEDO
Defendant

APPROVED:

JENNIFER B. LOWERY
UNITED STATES ATTORNEY

By:


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Sara A. Martinez
Attorney for Defendant

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